

**Maine Revised Statutes**  
**Title 34-A: CORRECTIONS**  
**Chapter 1: GENERAL PROVISIONS**

**§1001. DEFINITIONS**

As used in this Title, unless the context otherwise indicates, the following terms have the following meanings. [1983, c. 459, §6 (NEW).]

**1. Chief administrative officer.** "Chief administrative officer" means the head of a correctional facility or a detention facility.

A. [1991, c. 314, §1 (RP).]

B. [1991, c. 314, §1 (RP).]

C. [1991, c. 314, §1 (RP).]

D. [1991, c. 314, §1 (RP).]

[ 1991, c. 314, §1 (AMD) .]

**1-A. Client.** "Client" means any person in the custody or under the supervision of the department, including, but not limited to, a prisoner, juvenile client, contract client, probationer, parolee, juvenile detainee and an informally adjusted juvenile.

[ 1991, c. 314, §2 (NEW) .]

**1-B. Adult developmental services.** "Adult developmental services" has the same meaning as in Title 34-B, section 1001, subsection 1-A.

[ 2011, c. 542, Pt. A, §57 (NEW) .]

**2. Commissioner.** "Commissioner" means the Commissioner of Corrections or his designee, except that, when the term "commissioner and only the commissioner" is used, the term applies only to the person appointed Commissioner of Corrections and not to any designee.

[ 1983, c. 459, §6 (NEW) .]

**3. Committed offender.**

[ 1991, c. 314, §3 (RP) .]

**4. Contract agency.** "Contract agency" means a facility or program outside the jurisdiction of the department, providing services under contract to the department.

[ 1983, c. 459, §6 (NEW) .]

**5. Contract client.** "Contract client" means a client residing in a facility or participating in a program outside the jurisdiction of the department under an agreement between the department and the contract agency.

[ 1991, c. 314, §4 (AMD) .]

**6. Correctional facility.** "Correctional facility" means any facility that falls under the jurisdiction of the department, but does not include any facility for which the department is required to establish standards pursuant to section 1208 or 1208-A.

[ 2003, c. 410, §9 (AMD) .]

**7. Correctional program.** "Correctional program" includes, but is not limited to, probation and parole, court intake and jail inspection.

[ 1983, c. 459, §6 (NEW) .]

**8. Department.** "Department" means the Department of Corrections.

[ 1983, c. 459, §6 (NEW) .]

**8-A. Detention facility.** "Detention facility" means the Long Creek Youth Development Center and the Mountain View Youth Development Center.

[ 2003, c. 410, §10 (AMD) .]

**9. Holding facility.** "Holding facility" means a facility or part of a building used for the detention of adult pretrial detainees prior to arraignment, release or transfer to another facility or authority for periods of up to 48 hours. "Holding facility" also means a county jail or part of a jail used for the detention of adult inmates, whether detained pending a trial or other court proceeding or sentenced for periods of up to 72 hours excluding Saturday, Sunday and legal holidays and excluding days during which the inmate is at court.

A. [2009, c. 391, §8 (RP) .]

B. [2009, c. 391, §8 (RP) .]

[ 2009, c. 391, §8 (RPR) .]

**10. Informally adjusted juvenile.** "Informally adjusted juvenile" means a juvenile participating in a program of informal adjustment, as defined in Title 15, section 3003, subsection 10.

[ 1983, c. 459, §6 (NEW) .]

**10-A. Investigative officer.** "Investigative officer" means an employee of the department designated by the commissioner as having the authority to conduct investigations of crimes or juvenile crimes relating to the security or orderly management of a facility administered by the department and engage in any other activity that is related to the administration of criminal justice or the administration of juvenile criminal justice as defined in Title 15, section 3308, subsection 7, paragraph A, subparagraph (2) and who is certified by the Board of Trustees of the Maine Criminal Justice Academy as a full-time law enforcement officer.

[ 2013, c. 80, §5 (AMD) .]

**11. Juvenile client.** "Juvenile client" means a juvenile committed to a juvenile correctional facility who is either residing at the facility or is on community reintegration status, or ordered confined in a juvenile correctional facility pursuant to Title 12, section 6004, 8004 or 10608; Title 15, section 3314, subsection 1, paragraph H; or Title 29-A, section 115.

[ 2005, c. 507, §18 (AMD) .]

**11-A. Juvenile detainee.** "Juvenile detainee" means a juvenile detained at a departmental juvenile facility pending a court proceeding or pursuant to Title 15, section 3312, subsection 3, paragraph D.

[ 2005, c. 507, §19 (AMD) . ]

**11-B. (TEXT REPEALED 8/1/17) (TEXT EFFECTIVE UNTIL 8/1/17) Likelihood of serious harm.** "Likelihood of serious harm" means a:

A. Substantial risk of physical harm to a person, as manifested by that person's recent threats of, or attempts at, suicide or serious self-inflicted harm; [ 2013, c. 434, §2 (NEW) . ]

B. Substantial risk of physical harm to other persons, as manifested by a person's recent homicidal or other violent behavior or recent conduct placing others in reasonable fear of serious physical harm; or [ 2013, c. 434, §2 (NEW) . ]

C. Reasonable certainty that a person will suffer severe physical or mental harm as manifested by that person's recent behavior demonstrating an inability to avoid risk or to protect the person's self adequately from impairment or injury. [ 2013, c. 434, §2 (NEW) . ]

This subsection is repealed August 1, 2017.

[ 2013, c. 434, §2 (NEW) . ]

**12. Parking area.** "Parking area" means land maintained by the State at the correctional facilities which may be designated as parking areas by the chief administrative officers of the correctional facilities.

[ 1983, c. 459, §6 (NEW) . ]

**12-A. (TEXT EFFECTIVE UNTIL 8/1/17) (TEXT REPEALED 8/1/17) Person with mental illness.** "Person with mental illness" means a person who has attained 18 years of age and has been diagnosed as having a psychiatric or other illness that substantially impairs that person's mental health. An intellectual disability as defined in Title 34-B, section 5001, subsection 3 or a personality disorder is not a psychiatric or other illness for purposes of this subsection. This subsection is repealed August 1, 2017.

[ 2013, c. 434, §3 (NEW) . ]

**13. Prison.** "Prison" means the Maine State Prison.

[ 1983, c. 459, §6 (NEW) . ]

**14. Prisoner.** "Prisoner" means an adult person sentenced and committed to, transferred to or detained in the custody of the department, including a person on supervised community confinement.

[ 2013, c. 133, §24 (AMD) . ]

**15. Public way.** "Public way" means a road or driveway on land maintained by the State at the correctional facilities.

[ 1983, c. 459, §6 (NEW) . ]

**15-A. Regional correctional administrator.** "Regional correctional administrator" means the supervisor of adult probation and parole services or the supervisor of juvenile community corrections officer services for a region.

[ 2013, c. 133, §25 (AMD) . ]

**16. Segregation.** "Segregation" means the separation of a prisoner from the general population of a correctional facility for administrative or punitive reasons.

[ 1991, c. 314, §8 (AMD) .]

**17. Short-term detention area.** "Short-term detention area" means a section of a building used for the detention of pretrial detainees for periods of up to 4 hours.

[ 1983, c. 459, §6 (NEW) .]

**18. Written political material.** "Written political material" means flyers, handbills or other nonperiodical publications, which are subject to the restrictions of Title 21-A, chapter 13.

[ 1985, c. 161, §14 (AMD) .]

**19. Administration of criminal justice.** "Administration of criminal justice" has the same meaning as in Title 16, section 703, subsection 1.

[ 2013, c. 267, Pt. B, §26 (AMD) .]

**20. Criminal justice agency.** "Criminal justice agency" has the same meaning as in Title 16, section 703, subsection 4.

[ 2013, c. 267, Pt. B, §26 (AMD) .]

**21. Administration of juvenile criminal justice.** "Administration of juvenile criminal justice" has the same meaning as in Title 15, section 3308, subsection 7, paragraph A, subparagraph (2).

[ 1987, c. 633, §1 (NEW) .]

#### SECTION HISTORY

1983, c. 459, §6 (NEW). 1985, c. 161, §14 (AMD). 1987, c. 633, §1 (AMD). 1991, c. 314, §§1-8 (AMD). 1995, c. 462, §A63 (AMD). 1995, c. 462, §§A64, 82, 83 (AFF). 1997, c. 102, §1 (AMD). 1997, c. 464, §§7, 8 (AMD). 1997, c. 752, §§31-33 (AMD). 1999, c. 401, §J6 (AMD). 2001, c. 439, §G8 (AMD). 2001, c. 667, §A50 (AMD). 2003, c. 410, §§9-12 (AMD). 2005, c. 507, §§18, 19 (AMD). 2009, c. 142, §14 (AMD). 2009, c. 391, §8 (AMD). 2011, c. 542, Pt. A, §57 (AMD). 2013, c. 80, §5 (AMD). 2013, c. 133, §§24, 25 (AMD). 2013, c. 267, Pt. B, §26 (AMD). 2013, c. 434, §§2, 3 (AMD).

---

The State of Maine claims a copyright in its codified statutes. If you intend to republish this material, we require that you include the following disclaimer in your publication:

*All copyrights and other rights to statutory text are reserved by the State of Maine. The text included in this publication reflects changes made through the Second Regular Session of the 126th Maine Legislature and is current through August 1, 2014. The text is subject to change without notice. It is a version that has not been officially certified by the Secretary of State. Refer to the Maine Revised Statutes Annotated and supplements for certified text.*

The Office of the Revisor of Statutes also requests that you send us one copy of any statutory publication you may produce. Our goal is not to restrict publishing activity, but to keep track of who is publishing what, to identify any needless duplication and to preserve the State's copyright rights.

PLEASE NOTE: The Revisor's Office cannot perform research for or provide legal advice or interpretation of Maine law to the public. If you need legal assistance, please contact a qualified attorney.
--